

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

PATRICIA A. BARBEE,

Plaintiff,

vs.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No. 6:18-cv-00536-JR

ORDER GRANTING PLAINTIFF'S
MOTION AND MEMORANDUM FOR
APPROVAL OF ATTORNEY FEES
PURSUANT TO 42 U.S.C. § 406(b)

Plaintiff brought this action seeking review of the Commissioner's final decision to deny Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI). On April 9, 2019, I ordered and adjudged that the case be reversed and remanded for an award of benefits. [Dkt. No. 27].

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion as amended [Dkt. No. 32] and award Plaintiff's counsel \$18,985.15 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$7,180.16 under the Equal Access to Justice Act

(EAJA), 28 U.S.C. § 2412. [Dkt. No. 29]. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and make payable to Plaintiff's attorney the balance of \$11,804.99, less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED

Dated this 19th day of March, 2021.

/s/ Jolie A. Russo
Hon. Jolie A. Russo
United States Magistrate Judge

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